

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

DEBRA L. BUNGER,

Plaintiff and Appellant,

v.

JAY KARMARKAR,

Defendant and Respondent.

H045626

(Santa Cruz County

Super. Ct. No. 16CV02097)

Plaintiff Debra L. Bunger previously rented a house from defendant Jay Karmarkar. She filed a complaint against him in which she alleged causes of action for breach of good faith and fair dealing, fraud, breach of covenant of quiet enjoyment, breach of duty of care, landlord retaliation, invasion of privacy, and intentional infliction of emotional distress. Plaintiff appeals from a judgment entered in favor of defendant. She contends that the trial court erred when it granted defendant's motion for terminating sanctions. We affirm.

Plaintiff has filed what purports to be her opening brief. This brief fails to comply with California Rules of Court, rule 8.204.¹ It does not: "support each point by argument and . . . by citation of authority" (rule 8.204(a)(1)(B)); "[s]upport any reference to a matter in the record by a citation to the volume and page number of the record where the

¹ All further rule references are to the California Rules of Court.

matter appears” (rule 8.204(a)(1)(C)); “[s]tate the nature of the action” (rule 8.204(a)(2)(A)); and “[p]rovide a summary of the significant facts limited to matters in the record” (rule 8.204(a)(2)(C)). Instead, the brief merely summarizes the complaint and refers to matters outside the record on appeal.

“‘A judgment or order of the lower court is *presumed correct*. All intendments and presumptions are indulged to support it on matters as to which the record is silent, and error must be affirmatively shown. This is not only a general principle of appellate practice but an ingredient of the constitutional doctrine of reversible error.’ [Citations.]” (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) Thus, the appellant has “the burden . . . to provide an adequate record to assess error.” (*Maria P. v. Riles* (1987) 43 Cal.3d 1281, 1295.) When the record is inadequate for meaningful review, we affirm the decision of the trial court. (*Gee v. American Realty & Construction, Inc.* (2002) 99 Cal.App.4th 1412, 1416.)

Here, plaintiff designated only the complaint to be included in the record on appeal.² She did not include defendant’s motion for terminating sanctions, her opposition to the motion, and the trial court’s order granting the motion. She also failed to include the reporter’s transcripts of any hearings held by the trial court. Since plaintiff failed to provide this court with any portion of the record which sets forth the facts and issues that were presented to the trial court on the motion for terminating sanctions, we affirm the judgment.

The judgment is affirmed. Defendant is entitled to his costs on appeal.

² The clerk included the judgment and the notice of appeal in the clerk’s transcript.

Mihara, Acting P. J.

WE CONCUR:

Grover, J.

Danner, J.

Bunger v. Karmarkar
H045626